



## Town of Newfields Application to the Zoning Board of Adjustment

**Applicant(s) must submit the following to the Town Office:**

- Completed application, including location and tax map# and lot# of property in appeal.
- List of abutters, applicant, and owner, including current mailing addresses and map and lot numbers of each. An application process is delayed if mailing addresses are inaccurate. *An abutter is defined as landowner (including railroads) to the sides, rear, and front of applicant's property in appeal, even if separated by a road, waterway, or town line. The Town of Newfields and holders of easements do require certified notification.*
- Check or money order for non-refundable application fee of \$150.00 per application, plus \$6.15 per abutter, applicant, and owner, made payable to "Town of Newfields" to cover copies, posted and published notices, and certified mail.
- Plot plan drawn in accordance with a boundary line survey to scale not less than 1" = 40'. Indicate lot dimensions including area in square feet. Indicate size and locations of existing and proposed buildings, including setbacks (7 copies required).
- A copy of written denial from administrative official: Building Inspector, Planning Board or Selectmen.

ZBA Hearings are scheduled for the last Wednesday of each month at 7pm at Town Hall. Filing deadline of completed application is 20 calendar days prior to meeting. Applications received after that date are placed on the agenda for the next scheduled monthly meeting and publicly noticed accordingly.

All parties involved will be notified of impending hearing by certified mail. The written decision of the Board must be made available within 72 hours of the hearing.

### **The basis of the Board's deliberations regarding an appeal for a variance are as follows:**

1. Would granting of the variance have an adverse effect on value of surrounding properties?
2. Would granting the variance not be contrary to the public interest?
3. Would granting the variance alleviate an unnecessary hardship?
  - a. The zoning restriction as applied to the applicant's property interferes with the applicant's reasonable use of the property, considering the unique setting of the property in its environment.
  - b. No fair and substantial relationship exists between the general purposes of the zoning ordinance and the specific restrictions on the property.
  - c. The variance would not injure the public or private rights of others. *Hardship does NOT refer to any financial or personal situation of the applicant regarding the property in appeal.*
4. Would granting the variance do substantial justice?
5. Would the proposed use be contrary to the spirit of the town ordinance?

Applicant(s) should be prepared to address the above considerations at the time of the hearing.

Please call the Town Clerk at (603) 772-5070 during business hours—or the ZBA Chairman if you have any questions about this form. Note that the Chairman and members of the Board cannot offer advice on how to fill out your application, deliberate the specifics of your application, nor decide on your application outside of a public ZBA hearing.

Kent Lawrence, Chairman — (603) 778-8652



## Town of Newfields Zoning Board of Adjustment

Dear Applicant,

This will serve to inform you as to what you must do to bring a petition before the Zoning Board of Adjustment. The Board is charged with jurisdiction in three basic types of cases involving the Zoning Ordinances:

1. **Variances:** where circumstances exist in the property which warrant the use of that property in a manner which technically is in violation of the ordinance.
2. **Special Exceptions:** where the ordinance specifically permits a particular use, provided the applicant can prove that the conditions attached to such use by the ordinance will be complied with.
3. **Appeal from Administrative Decisions:** where the applicant feels that the Building Inspector, Planning Board or Selectmen made a mistake in applying or interpreting the zoning ordinance to a particular case.

The Board of Adjustment cannot grant the relief sought unless the applicant proves the elements of his or her case. For example, variances may not be granted solely because the applicant is suffering from financial hardships or other personal problems, or simply would like to put his or her property to an unpermitted use.

The attached checklist is provided to advise you about what information must be included with your application. You are responsible for presenting sufficient information to support your case. The Board may require more information in order to resolve questions brought up at the hearing.

Obviously, familiarity with the particular provisions of the Zoning Ordinance that affects your property is important. Questions you may have relative to your case can be answered by obtaining a copy of the Zoning Ordinance at the Town Hall.

If a variance application raises serious questions about the purpose or application of the Zoning Ordinance as applied to your particular piece of property, you may want to seek advice from legal counsel.



**Town of Newfields  
Zoning Board of Adjustment Application**

ZBA to fill in: **ZBA Case#:** \_\_\_\_\_ **Date accurate and complete application received** \_\_\_\_\_

**Section 1**

Applicant: \_\_\_\_\_ Phone: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

City/State/Zip: \_\_\_\_\_

Property Owner: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

City/State/Zip: \_\_\_\_\_

Property Location: \_\_\_\_\_

Brief Directions: \_\_\_\_\_

Zoning District \_\_\_\_\_ Assessor's Map# \_\_\_\_\_ Lot # \_\_\_\_\_

**Type of Appeal (check ONLY One)**

**Fill in applicable Ordinance (be sure you are referring to the most current copy of the zoning ordinance book):**

☐ **Variance**

Article \_\_\_\_\_ Section \_\_\_\_\_

☐ **Special Exception**

Article \_\_\_\_\_ Section \_\_\_\_\_

☐ **Administrative Decision**

Article \_\_\_\_\_ Section \_\_\_\_\_

Describe briefly your plans for this property: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**Section 2**

Requirements submitted with this application:

- List of abutters, applicant and owner including current mailing addresses and map and lot numbers of each. An application process is delayed if mailing addresses are inaccurate. *An abutter is defined as landowner (including railroads) to the sides, rear, and front of applicant's property in appeal, even if separated by a road, waterway, or town line. The Town of Newfields and holders of easements do require certified notification.*
- Check or money order for non-refundable application fee of \$150.00 per application, plus \$6.15 per abutter, applicant, and owner, made out to "Town of Newfields" to cover copies, posted and published notices, and certified mail.
- Plot plan drawn in accordance with a boundary line survey to scale not less than 1" = 40'. Indicate lot dimensions including area in square feet. Indicate size and locations of existing and proposed buildings, including setbacks (7 copies required).
- A copy of written denial from administrative official: Building Inspector, Planning Board or Selectmen.

As applicant of standing in this request, I certify that the information supplied herein is complete and accurate.

Signature of Applicant: \_\_\_\_\_ Signature of Owner: \_\_\_\_\_

*Both signatures are required*

Application Form 05/07/13

**Section 3**

**Narrative:**

Complete the section which pertains to your particular appeal. Keep your answers brief and be prepared to explain them at the hearing. If you need more space use an additional piece of paper.

**Variance**

*If requesting Special Exception or Appeal from Administrative Decision, please skip ahead to that part of the form.*

1. Describe the unnecessary hardship created on the property based on the existing zoning ordinances *(the zoning restriction as applied to the applicant's property interferes with the applicant's reasonable use of the property, considering the unique setting of the property in its environment)*:  

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2. Explain how granting the variance will result in substantial justice:  

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3. Explain how a variance would be consistent with the spirit and intent of the ordinance:  

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4. Explain how the variance will not result in a diminution in value of surrounding properties:  

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5. Discuss how the variance would not be contrary to the public interest:  

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**Special Exception**

*If requesting Appeal from Administrative Decision, please skip ahead to that part of the form.*

1. Explain how the requested use would be essential or desirable to the public convenience or welfare:

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2. Detail how the requested use would not create undue traffic congestion or unduly impair pedestrian safety:

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3. Describe how the requested use would impact any public water, drainage or sewerage system or any other municipal system. How would you assure that areas of the Town will not be unduly subjected to hazards affecting health, safety, or the general welfare:

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**Appeal from Administrative Decision**

Explain why you feel that the Building Inspector, Planning Board or Selectmen made a mistake in applying or interpreting the zoning ordinance in a particular case:

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Additional Comments:

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## List of Abutters

Applicant's Name: \_\_\_\_\_

Land Owner's Name: \_\_\_\_\_

Location of Land: \_\_\_\_\_

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